

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

In accordance with the Memorandum Opinion entered this day, it is hereby **ADJUDGED** and  
**ORDERED** that defendant's motion for summary judgment is hereby **GRANTED**; this action shall  
be and hereby **DISMISSED** without prejudice, pursuant to 28 U.S.C. 28 U.S.C. § 1915(e)(2)(B)(ii);  
and this case will be **STRICKEN** from the active docket of the court

Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Civil Procedure by filing a notice of appeal with this court within thirty (30) days of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5) or 4(a)(6).

The Clerk of the Court is directed to send certified copies of this Order and accompanying Memorandum Opinion to plaintiff and counsel of record for the defendants.

ENTER: This 23<sup>rd</sup> day of March, 2006.

**Senior U.S. District Judge**